

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD R. BLACKBIRD,

Defendant.

CR 89-0-10

MEMORANDUM AND ORDER

This case is before the magistrate pursuant to 28 U.S.C. § 636 to consider the oral motion of the defendant for continuance of the time within which to file pretrial motions. The government represents that it has not been able to produce the Rule 16 material due, among other things, to a pending prosecution in state court. As a consequence, the defendant wishes to withhold the filing of any motion until after he has had the opportunity to examine the entirety of the Rule 16 material. The government does not object to the continuance, and the defendant consents that the time may be excludable.

IT IS ORDERED THAT:

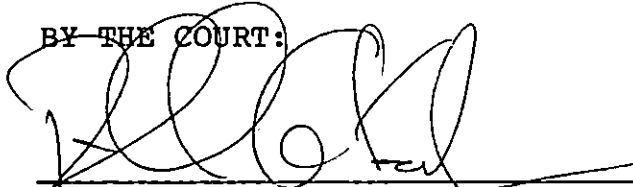
1. The oral motion is granted as provided herein;
2. The defendant shall have until March 16, 1989 to serve and file pretrial motions;
3. The ends of justice will be served by granting such a motion, and outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between March 1, 1989 and March 16, 1989, shall be deemed excludable time in any computation of the time under the requirements of the Speedy

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Trial Act, for the reason that defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of this case, and the possibility that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 1st day of March, 1989.

BY THE COURT:



RICHARD G. KOPF
UNITED STATES MAGISTRATE